

Submitted November 30, 2016  
Approved as of  
Date November 30, 2016

**MINUTES OF THE ROCKVILLE PLANNING COMMISSION  
MEETING NO. 15-2016  
Wednesday, August 3, 2016**

The City of Rockville Planning Commission convened in regular session in the  
Mayor and Council Chambers at 7:00 p.m.  
Wednesday, August 3, 2016

**PRESENT**

Charles Littlefield, Chair  
Anne Goodman      Jack Leiderman  
Don Hadley      Gail Sherman  
David Hill

**Present:** Susan Swift, Director  
Andrew Gunning, Deputy Director  
Cynthia Walters, Deputy City Attorney  
Jim Wasilak, Chief of Zoning  
Bobby Ray, Planning Manager  
Cas Chasten, Principal Planner

**I. EXECUTIVE SESSION**

The meeting was called to order in open session in the Mayor and Council Chambers. Then Commissioner Leiderman moved, seconded by Commissioner Hill, to go into Executive Session pursuant to Section 3-305(b)(7) of the General Provisions Article of the Annotated Code of Maryland to consult with counsel to obtain legal advice regarding the review process for Chestnut Lodge, PJT2015-00005; and to obtain legal advice regarding Major Site Plan Amendment STP2016-00278 for the Chabad Israeli Center. The Executive Session was held in the Black Eyed Susan conference room.

Following the executive session, the regular meeting was reconvened at 7:40 p.m.

**II. REVIEW AND ACTION**

**Major Site Plan Amendment STP2016-00278, 216 Rollins Avenue** – A proposal to amend approved Use Permit 2008-00712 to allow for an expansion of the operation and activities of the Chabad Israeli Center at 216 Rollins Avenue.

Jim Wasilak gave the staff report and presentation, including the staff recommendation for denial. He discussed the history of the use and the operation of the synagogue since it was first approved in 2008, and discussed concerns and complaints expressed by nearby residents.

The applicants presented their request, represented by attorneys Steve Van Grack and Steve Robbins, and they requested additional time to present. They discussed numerous topics: the synagogue and how it operates; religious uses vs. ancillary activities at the Chabad; holidays and special events; parking, including agreements in place with nearby properties that will provide parking; federal protection under the Religious Land Use and Institutional Persons Act (RLUIPA); and the nature of complaints that have been expressed by some neighbors.

Rabbi Shlomo Beitsh of the Chabad Israeli Center discussed the synagogue and indicated that a liaison will be created to work with the neighborhood.

Planning consultant Bill Landfair presented information on behalf of the applicant regarding other religious uses throughout the city. Nancy Randall, parking and transportation consultant for the applicant, discussed parking, drop-off and pick-up operations, and the number of congregants within walking distance of the synagogue.

The following members of the public offered testimony:

1. Katherine Schwering of Lorraine Court spoke against the request, expressing concern about violations experienced since the original application was approved.
2. Patty Ellaurie of Lorraine Drive spoke against the request, expressing concern about parking, traffic and noise.
3. Anthony Bur of Muriel Street spoke against the request, expressing concern about the violations he and other neighbors have witnessed and reported.
4. Carlos Figuerido of Rollins Avenue spoke against the request, expressing concern about the parking arrangement.
5. Basilio Treixeira of Lorre Drive spoke against the request, expressing safety concerns during drop-off and pick-up of congregants.
6. Liron Sharon of Rollins Avenue spoke against the request, indicating that he is the closest neighbor and is concerned about traffic, buffers, the master plan, and incompatibility of the use with neighboring residences.
7. Seeyoung Choi of Lorraine Drive spoke against the request, expressing concern that the use is not compatible with the neighborhood.
8. Perry Magnezi of Martha Terrace spoke in support of the request, indicating that there is already a club that operates nearby if there is concern about public gatherings.
9. Jeffrey Shulevitz of Congressional Lane spoke in support of the request, expressing the need for religious freedom.
10. Emma Shulevitz of Congressional Lane also spoke in support of the request for the same reasons.
11. Gil Navah of Lorraine Drive spoke in support, expressing that positive changes have been occurring in the neighborhood and near the Chabad.
12. Pini Schwartz spoke in support of the request, expressing that he does need to drive to the synagogue for Shabbat but there is ample parking nearby.
13. Sam Ymar of Rockville spoke in support of the request, expressing how supportive the Rabbi is for the community.
14. Sara Beitsh of Rollins Avenue and wife of the Rabbi spoke on behalf of the Chabad and expressed concern about feeling watched by some of the neighbors.

15. Andrea Simhony of Wilmart Street spoke in favor of the request, emphasizing the strong community and family support the synagogue provides.
16. Karen Ellaurie of Lorraine Drive spoke against the request, expressing concern about previous promises that she feels were not kept.
17. Kobi Assaraf of Rollins Avenue spoke in favor of the request and has lived in the neighborhood for over 20 years, witnessing many positive changes in area.
18. John Kalter of Mark Lane spoke in favor of the request, expressing the need for religious tolerance.
19. Raphael Aliel of Evelyn Drive spoke in favor of the request, moving here specifically to be near the Chabad.
20. Joel Aliel of Evelyn Drive spoke in favor of the request, also moving here to be near the Chabad.
21. Dvir Blivis spoke in favor of the request, expressing that there is no problem with parking or noise.
22. Rivi Ben Dor of Meadow Court spoke in favor of the request, emphasizing that it is an important place for children to learn English and speak Hebrew.
23. Tikva Dador of Congressional Lane spoke in favor of the request, expressing that many of the nearby residents in the community are in support.
24. Avi Arieli of the Israeli Embassy and a neighborhood resident spoke in favor of the request, emphasizing the importance of the freedom of religion practiced in the U.S. and in Israel.
25. Shiron Khan of Rollins Court spoke in favor of the request, indicating that attendance levels at the synagogue is usually not an issue.
26. Udi Gamiel of Martha Terrace spoke in favor of the request, emphasizing that the synagogue is quiet and does not disturb the peace of the neighborhood.
27. Tzahi Selzer of Lorraine Drive spoke in favor, expressing concern about the inability to hold a service at the Chabad for his late wife and for Jewish education there for his children.
28. Alan Bronowitz of Congressional Lane spoke in favor of the request, moving nearby to be able to walk to the Chabad.
29. Shai Tamary of Hardy Place spoke in favor of the request and that it provides a hub of culture and support for children.
30. Neomi Levy of E. Jefferson Street spoke in favor of the request, indicating that many of the congregants have extended family in Israel, and the Chabad is the local community.
31. Shmulik Mani of Rockville spoke in favor of the request, where many congregants volunteer their time.
32. Efrat Tamary, the architect who worked on the project, spoke in favor of the request and thought that everything had been worked out with staff prior to their report.
33. Andre Haddad of Evelyn Drive spoke in favor of the request, and desires to live nearby the Chabad despite a long work commute.
34. Mikael Solomon of Congressional Lane spoke in favor of the request, and she appreciates the community support provided by the Chabad.
35. Gil Tamary of Hardy Place spoke in favor of the request, and questioned the staff report recommendation.
36. Ralud Madal of Alexandria spoke in favor of the request, and expressed that parking is not the issue.
37. Liron Gattone spoke in favor of the request, and expressed that parking is not a problem.

38. Etai Simhony of Wilmart Street spoke in favor of the request, and felt that the Chabad is good for housing demand in the neighborhood.
39. Guy Gattone spoke in favor of the request, indicating that he frequently assists a resident of the Ring House to visit the Chabad who emphasized the need to fight for their right to be there.
40. Boz Schwartz spoke in favor of the request, urging they be allowed to practice here as allowed in other countries.

Following a break, the Commission discussed the request. Commissioner Hill questioned the applicant in terms of how the zoning ordinance finding can be made for site plans that requires the use to be compatible with the surrounding uses and properties. Mr. Robbins indicated that the use is a permitted use, that parking agreements will be in place, there will be no exterior changes, and outdoor activities will be limited.

The Commission requested clarification be provided regarding which of the activities described in the application may be considered ancillary uses to the primary religious use.

Commissioner Leiderman moved, seconded by Commissioner Hadley, to close the public record and defer consideration of the request to the September 14, 2016 meeting. The motion passed, 5-0-1 (Commissioner Hill abstained, and Commissioner Tyner was absent).

### **III. Commission Items**

- A. Staff Liaison Report** – Mr. Gunning reported on the next Commission meeting and other items.
- B. Old Business** – none
- C. New Business** – Commissioners acknowledged the good work and many commitments and contributions made by Commissioner Hill during his tenure years on the Planning Commission, with this being his final meeting. Commissioner Hill thanked the Commission and staff.
- D. Minutes** - Meeting 12-2016 from June 22, 2016 – Commissioner Hill moved, seconded by Commissioner Hadley, to approve minutes as submitted. The motion passed, 5-0-1 (Chairman Littlefield abstained and Commissioner Tyner was absent).
- E. FYI Correspondence** - none

### **IV. ADJOURN**

There being no further business to come before the Planning Commission, the meeting adjourned at 12:44 a.m.

Respectfully Submitted,

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Andrew Gunning, Commission Liaison